


B1040 (FORM 1040) (12/15)

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)		
PLAINTIFFS John V. LaMagna Jane M. Doe	DEFENDANTS Fannie Mae aka FNMA aka Federal National Mortgage Association Orleans Moran PLLC, et al			
ATTORNEYS (Firm Name, Address, and Telephone No.) John V. LaMagna, Pro Se 841 Santuit Newtown Road Marstons Mills, Ma. 02648	ATTORNEYS (If Known) Orleans Moran PLLC 465 Waverly Oaks Rd, suite 401 Waltham, Ma. 02452			
PARTY (Check One Box Only) <input checked="" type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input checked="" type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee			
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED) Fraudulent motion for relief of stay, based on a fraudulent foreclosure. Therefore, violation of stay. Also, knowing, willful, intentional infliction of emotional distress and grievous harm to elderly and disabled, at risk tenants. 11 USC 362, 93A, 186A				
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input checked="" type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div> </td> <td style="width: 50%; vertical-align: top; border: none;"> FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input checked="" type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </td> </tr> </table>			FRBP 7001(1) – Recovery of Money/Property <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input checked="" type="checkbox"/> 14-Recovery of money/property - other FRBP 7001(2) – Validity, Priority or Extent of Lien <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property FRBP 7001(3) – Approval of Sale of Property <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h) FRBP 7001(4) – Objection/Revocation of Discharge <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e) FRBP 7001(5) – Revocation of Confirmation <input type="checkbox"/> 51-Revocation of confirmation FRBP 7001(6) – Dischargeability <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <div style="text-align: center;">(continued next column)</div>	FRBP 7001(6) – Dischargeability (continued) <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other FRBP 7001(7) – Injunctive Relief <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input checked="" type="checkbox"/> 72-Injunctive relief – other FRBP 7001(8) Subordination of Claim or Interest <input type="checkbox"/> 81-Subordination of claim or interest FRBP 7001(9) Declaratory Judgment <input type="checkbox"/> 91-Declaratory judgment FRBP 7001(10) Determination of Removed Action <input type="checkbox"/> 01-Determination of removed claim or cause Other <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)
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<input checked="" type="checkbox"/> Check if this case involves a substantive issue of state law		<input checked="" type="checkbox"/> Check if this is asserted to be a class action under FRCP 23		
<input checked="" type="checkbox"/> Check if a jury trial is demanded in complaint		Demand \$		
Other Relief Sought Monetary damages as the court and/or jury see as proper.				

2016 DEC 28 PM 12:15
US BANKRUPTCY COURT

B1040 (FORM 1040) (12/15)

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR John Vincent LaMagna		BANKRUPTCY CASE NO. 16-13568
DISTRICT IN WHICH CASE IS PENDING Southeastern Massachusetts		DIVISION OFFICE NAME OF JUDGE Joan N. Feeney
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING		DIVISION OFFICE NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)  pro se		
DATE Dec. 23, 2016		PRINT NAME OF ATTORNEY (OR PLAINTIFF) John Vincent LaMagna, plaintiff

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

United States Bankruptcy Court

District Of MASSACHUSETTS

In re <u>John V. LaMagna</u>)	Case No. <u>16-13568</u>
Debtor)	
)	Chapter <u>13</u>
)	
<u>John V. LaMagna, et al</u>)	
Plaintiff)	
)	
v.)	Adv. Proc. No. _____
<u>Fannie Mae aka FNMA aka</u>)	
<u>Federal National Mortgage Assoc, et al</u>)	
Defendant)	

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Name	Jane M. Doe, residing since 2009 at
Street Address	841 Santuit Newtown Rd.
City and County	Marstons Mills, Barnstable county
State and Zip Code	Massachusetts, 02648
Telephone Number	508 420-1846
E-mail Address	

B. The Defendant(s)

Defendant No. 1

Name	Fannie Mae aka FNMA aka
Job or Title (if known)	Federal National Mortgage Association
Street Address	3900 Wisconsin Ave. NW
City and County	Washington D.C.
State and Zip Code	
Telephone Number	
E-mail Address (if known)	

Defendant No. 2

Name	Orlans Moran PLLC
Job or Title (if known)	foreclosure firm
Street Address	465 Waverly Oaks Rd. suite 401
City and County	Waltham, Middlesex County
State and Zip Code	Massachusetts, 02452
Telephone Number	781 790-7800
E-mail Address (if known)	bankruptcy@orlansmoran.com

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Case No. 16-13568

Adv. Proc. No.

Chapter 13

COMPLAINT AND REQUEST FOR INJUNCTION**Defendant No. 3**

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Orlans Moran PLLC
Foreclosure firm
1650 W. Big Beaver Rd.
Troy, Oakland County
Michigan, 48084
248 502-1400

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Defendant No. 4

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Julie Taylor Moran
co-owner Orlans Moran, foreclosure firm
465 Waverly Oaks Rd. suite 401
Waltham, Middlesex County
Massachusetts, 02452
781 790-7800
bankruptcy@orlansmoran.com

Defendant No. 5

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Linda Marie Orlans
co-owner Orlans Moran, foreclosure firm
1650 W. Big Beaver Rd.
Troy, Oakland County
Michigan, 48084
248 502-1400

Defendant No. 6

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Stephanie Babin
foreclosure lawyer @ Orlans Moran
465 Waverly Oaks Rd. suite 401
Waltham, Middlesex County
Massachusetts 02452
781 790-7800

Defendant No. 7

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

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United States Bankruptcy Court
District of Massachusetts

CASE NO. 16-13568

ADV. PRO. NO.

CHAPTER 13

COMPLAINT AND REQUEST FOR INJUNCTION

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US BANKRUPTCY COURT

II. Statement of Claim

12/1/14 "FORECLOSURE" @ 841 SANTUIT NEWTOWN ROAD, MARSTONS MILLS, MA. 02648, BY FORECLOSURE SALE, AND BY QUIET ENTRY, IS FRAUD

1. Fannie Mae/Orlans Moran, and it's attorneys, asserted as their right to file a fraudulent motion for relief from stay on 10/27/16, Fannie Mae's "ownership", when they do not lawfully own it, as the foreclosure is fraud.
2. As the motion was fraudulent, and filed without the right they assert, it was a violation of the chapter 13 stay, and this was not Fannie Mae's/Orlans Moran's only violation of the stay.
3. Fannie Mae/Orlans Moran, and it's attorneys, knowingly, willfully, and intentionally inflicted emotional distress and caused grievous harm to the elderly, disabled debtor and to the elderly, disabled, at risk third party, by their outrageous acts, when Fannie Mae/Orlans Moran and it's attorneys knew, for a fact, they were elderly and disabled and at risk.

III. Relief

1. Prohibit Fannie Mae/Orlans Moran, and it's attorneys, or any agents or party(s) acting on their behalf, to do or attempt to do any of the following, pending the determination of void foreclosure:
 - A.) Prohibit any sale or conveyance of the property, whatsoever, to any party,
 - B.) Prohibit any contact, by any means whatsoever, with any party at, or with any interest in, since 2009, 841 Santuit Newtown Rd., Marstons Mills, MA. 02648.
 - C.) Prohibit transferring of any utility to Fannie Mae or any other name, and any interference, interruption, or disruption of any utilities, mail, or any other services at 841 Santuit Newtown Road, Marstons Mills, MA. 02648.
 - D.) Any other relief the court and/or jury determines, as good cause found.
2. Compel Discovery: records, documents, interrogatories. Order Fannie Mae/Orlans Moran, and it's attorneys, to comply with Plaintiff's Discovery request, as well as any other parties with relevant records, documents and/or information.

DEMAND \$ _____ As determined by court and/or jury, plus legal fees, as good cause found.

United States Bankruptcy Court

District of Massachusetts

CASE NO. 16-13568

ADV. PRO. NO.

CHAPTER 13

COMPLAINT AND REQUEST FOR INJUNCTION

DEMAND FOR JURY TRIAL:

If necessary.

CLASS ACTION:

This is asserted to be a class action under FRCP 23

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VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Dec. 23, 2016

Signature of Plaintiff

Printed Name of Plaintiff John V. LaMagna

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re JOHN VINCENT LAMAGNA

Case No. 16-13568

Debtor(s)

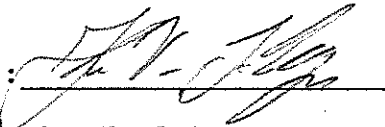
Chapter 13

CERTIFICATE OF SERVICE

I, John V. LaMagna, pro se debtor, do certify that I have served
by U.S.P.S. first class mail and/or Priority mail and/or Priority
Express mail, the parties listed below.

CAROLYN A. BANKOWSKI
CHAPTER 13 TRUSTEE
P.O. BOX 8250
BOSTON, MA. 02114

US BANKRUPTCY COURT
2016 DEC 28 PM 12 15

signed: 

John V. LaMagna
841 Santuit Newtown Rd.
Marstons mills, MA. 02648

508 420-1846

dated: 12-23-16